

ALBANY COMMON COUNCIL MINUTES OF A REGULAR MEETING

Thursday, January 22, 2015

The Common Council was convened at 7:00 p.m. and was called to order by President McLaughlin.

The roll call being called, the following answered to their names: Council Members Applrys, Bailey, Commisso, Conti, Doesschate, Fahey, Flynn, Golby, Herring, Igoe, Kimbrough, Kornegay, Krasher and O'Brien.

Also present was the following staff: Nala Woodard, Barbara Samel, Patrick Jordan and Cashawna Parker.

Council Member O'Brien led with the Pledge of Allegiance.

PUBLIC COMMENT

1. Virginia Hammer, 52 South Allen Street, Albany, NY (Protected bike lanes);
2. Jason D'Cruz, Spring Street, Albany, NY (Protected bike lanes);
3. Dan Liosa, Madison Avenue Theater, Albany, NY (Protected bike lanes);
4. Josh Farrell, Manning Boulevard, Albany, NY (Protected bike lanes);
5. Lorenz Worden, 127 South Pine Avenue, Albany, NY (Protected bike lanes);
6. Orville Abrahams, 465 New Karner Road, Albany, NY (Local Law B-2015 in relation to healthy meetings and events);
7. Marlon Anderson, 491 Livingston Avenue, Albany, NY (Minorities are the majority).

There being no further speakers, the President declared public comment closed.

CONSIDERATION OF LOCAL LAWS

Council Member Commisso introduced LOCAL LAW A-2015, which was referred to the Finance, Taxation and Assessment Committee:

A LOCAL LAW AMENDING SECTION 603 OF THE CITY OF ALBANY CHARTER IN RELATION TO BUDGET AMENDMENTS DURING THE FISCAL YEAR

BE IT ENACTED by the Common Council of the City of Albany as follows:

Section 1. Subsection (D) of Section 603 of the Charter of the City of Albany is amended to read as follows:

(D) Budget transfer after adoption of the budget.

- (a) The Board of Estimate and Apportionment, as provided for in Section 605 below, shall approve or disapprove transfers of budgeted funds that do not exceed, ~~in the aggregate, four percent of the total annual City budget~~ \$10,000 in any given year subject to paragraph (b) of this subsection.

- (b) All transfers of budgeted funds that exceed four percent of the total annual City budget \$10,000 in any given year, ~~any transfer of budgeted funds that reduced the budget of any city department, office and commission in excess of 37.5 percent in any given year, or any transfer of budgeted funds that affects the salary rate or salary total, shall require the prior approval of a majority of the entire Common Council membership~~ shall be approved or disapproved by the Common Council.

Section 3. To the extent inconsistent, this local law shall supersede the New York State Second Class Cities Law Section 74.

Section 4. This local law shall take effect upon final passage and approval by the duly qualified voters of the City of Albany in the manner prescribed by law at the general election following adoption by the Common Council.

Council Member Applrys introduced LOCAL LAW B-2015, which was referred to the General Services, Health and Environment Committee:

A LOCAL LAW AMENDING CHAPTER 34 (RECORDING OF MEETINGS) OF THE CODE OF THE CITY OF ALBANY IN RELATION TO A HEALTHY MEETINGS POLICY

BE IT ENACTED by the Common Council of the City of Albany as follows:

Section 1. Chapter 34 entitled “Recording of Meetings” is hereby amended to read as follows:

**CHAPTER 34
RECORDING OF MEETINGS**

Section 34-1. Meetings of Boards, Commissions, Committees.

Meetings of all public bodies subject to the NYS Public Officers Law, Article 7 (commonly referred to as the “Open Meetings Law”) shall be recorded, except those portions of a meeting where the body validly enters into executive session. The audio recording shall be made available to the public and shall be digitally preserved for a minimum of five years.

Section 34-2. Healthy meetings.

A. The Dietary Guidelines for Americans, 2010 state that Americans consume too much sodium, added sugars, refined grains, and solid fats and not enough fruits, vegetables, and whole grains. Studies show a strong relationship between the physical and social environments of the workplace and the health behaviors of employees and nearly half of many people’s waking hours are spent at work, and many of those hours are spent in meetings and conferences. The foods and beverages available at meetings and conferences are often high in fat, added sugars, and sodium, and contain few fruits, vegetables, and whole grains. In addition, meetings and conferences generally involve a lot of time sitting and provide little opportunity for physical activity. The City of Albany has the ability to model healthy eating and help to change social norms around meeting practices and it is consistent with the goals of the City to support people’s ability to eat well while at work events.

B. All City of Albany meetings, conferences, and events will adhere to healthy meeting guidelines, including departmental meetings, and the City of Albany hereby adheres to the National Alliance for Nutrition and Activity Healthy Meeting Pledge. The City of Albany strongly encourages other City-related agencies to adopt healthy meeting guidelines.

C. All activities and special events sponsored by or supported by the City of Albany will include healthy food and beverage options when food is served and will encourage physical activity, greener options, and support of local products. The City will adopt a Healthy Meetings and Special Events policy.

Section 2. This local law shall take effect upon final passage, public hearing and filing with the Secretary of State.

Council Member Bailey moved to amend LOCAL LAW F-2015 and as amended, requested it remain held.

A LOCAL LAW ESTABLISHING A RESIDENCY REQUIREMENT FOR ALL CITY EMPLOYEES

BE IT ENACTED by the Common Council of the City of Albany as follows:

Section 1. Section 62-1 of Chapter 62 of the Code of the City of Albany shall be amended to read as follows:

Section 62 -1. Employee residency and residency preference. ~~Employment; Albany citizens given preference.~~

A. The legislative body determines that individuals who are employees of the City of Albany have a greater interest, commitment and more involvement with the government which employs them by living within that municipality. Thus, the Common Council believes that the public need is sufficient to require that employees hired after the effective date of this section be residents of the City of Albany. This section shall not supersede or override any other residency provision existing in state or federal law, state civil service regulation, or existing in the Code of Ordinances of the City of Albany.

B. All labor, skilled or unskilled, employed by or for the City of Albany, its various municipal boards, departments, officials or agents, shall be performed only by citizens of Albany; and to further observe the best interests of the taxpayers in disbursing public moneys and secure the best possible workmanship, mechanics affiliated with the trade organizations of their crafts shall be given preference in the performance of contracts wherever and wherever practicable. City of Albany residents shall be given a preference for seasonal or temporary positions.

C. All department heads subject to confirmation by the Common Council hired after the effective date of the law shall be residents of the City during such employment or become residents of the City within 180 days. Said department heads may petition the Common Council for a waiver of the residency requirement which may be granted by a majority vote of the Common Council. Those persons expressly exempted by the Public Officers Law of the State of New York are hereby exempt from the provision.

D. Residency for new employees. Except as otherwise provided by this section, the Common Council hereby establishes a residency requirement for all prospective employees of the City. Every person initially employed by the City of Albany, shall, as a qualification of employment, be or become a resident of the City of Albany within six months of the date of initial appointment for said City. Furthermore, during the time of service of such employees, no employee shall cease to be a resident of the City of Albany or fail to move into the City, and such shall be deemed a voluntary resignation. The City may require annual proof of residency from affected employees.

E. Board of Residency. There is hereby created by this section a Board of Residency. This Board shall consist of five members and shall consist of the Mayor of the City of Albany or the Mayor's appointee, the Corporation Counsel of the City of Albany or a representative of the Corporation Counsel and three Council members. All members of this Board shall be City of Albany residents. The Board shall have the following powers and obligations:

(1) The Board shall, upon written request of the Mayor or independently elected or appointed official heading an office, make a determination granting a one year waiver of the residency requirement for prospective employees and thereafter grant an annual waiver of the residency requirement to existing city employees. The granting of the waiver exempts said employee from the provisions of this section for a one year period. This determination shall be based upon one or more of the following criteria: (a) The degree of specialization and professionalism required in any given field of employment; (b) The existence of hardship such as may be determined by the Board; and (c) the lack of qualified candidates residing within the City.

Section 2. This local law shall take effect upon final passage, public hearing and filing with the Secretary of State.

The remaining local laws on the pending agenda were held at the request of President Pro Tempore Conti.

REPORTS OF STANDING COMMITTEES

Public Safety – Chairperson Golby stated that the committee met January 13, 2015 at Green Tech High with the help of Council Member Kimbrough coordinating the meeting space. The meeting was to help members of the public understand what the Citizen Police Review Board (CPRB) does. Ms. Sharmaine Mosley with the CPRB created a flow chart on the steps that a complaint would go through. This meeting was the last meeting for Ms. Mosley. A mediation process has been recently approved, but the mediators have not had training on this process. She discussed how the CPRB has grown and changed the way they handle and follow up on complaints. She discussed that the San Diego CPRB was looking to model their board after the City of Albany. The committee will be meeting tomorrow January 23, 2015 to interview CPRB candidates.

Human Resources and Human Rights – Chairperson Fahey stated that the committee met on January 21, 2015 to discuss LL F-2015 in relation to employee residency. This would apply to new hires. This legislation establishes a board of residency for employees who are not able to comply or is not in compliance. The board would consider the position that employee serves or if the move would cause a hardship when considering a waiver. The committee discussed Ordinance Number 6.11.15 in

relation to a living wage compliance committee. The committee held Ordinance 6.11.15 for further discussion and Local Law F-2015 was referred out of committee favorably with amendments.

Planning, Economic Development and Land Use – Chairperson Herring stated that the committee met on January 20, 2015 to discuss the appointments of Mr. Apostol and Ms. Peoples to the Board of Zoning Appeals and Ms. Ryan to the Historic Resource Commission. All resolutions were referred out of committee favorably.

CONSIDERATION OF ORDINANCES

The ordinances on the agenda were held at the request of President Pro Tempore Conti.

CONSIDERATION OF RESOLUTIONS

Council Member Comisso introduced RESOLUTION NUMBER 4.12.15R, which was referred to the Public Safety Committee.

RESOLUTION OF THE COMMON COUNCIL URGING THE CITY OF ALBANY POLICE DEPARTMENT TO ADOPT A RETENTION POLICY FOR INFORMATION COLLECTED THROUGH AUTOMATIC LICENSE PLATE READERS

WHEREAS, automatic license plate readers, mounted on police cars or scattered throughout the landscape, are being used by the City of Albany Police Department. These readers use small, high-speed cameras to photograph thousands of plates per minute; and

WHEREAS, the information captured by the readers – including the license plate number, and the date, time, and location of every scan – is being collected and pooled into a server in the Albany County office building. As a result, there are already 37 million entries stored from the Albany-Schenectady-Troy region; and

WHEREAS, there are no reasonable rules regarding the storage of these records. While they can serve a legitimate law enforcement purpose when they alert police to the location of a car associated with a criminal investigation, such instances account for a tiny fraction of license plate scans, and too many police departments are storing millions of records about innocent drivers. Automatic license plate readers have the potential to create permanent records of virtually everywhere any of us has driven, radically transforming the consequences of leaving home to pursue private life, and opening up many opportunities for abuse. The tracking of people's location constitutes a significant invasion of privacy, which can reveal many things about their lives, such as what friends, doctors, protests, political events, or churches a person may visit; and

WHEREAS, government should not invade people's privacy and collect information about citizens' innocent activities just in case they do something wrong. Clear regulations must be put in place to keep the government from tracking the movements of City of Albany residents.

NOW, THEREFORE, BE IT RESOLVED, that the Common Council urges the Albany Police Department to adopt and implement a policy on the retention of these records using the following principles:

1. Automatic license plate readers may be used by the police department only to investigate hits and in other circumstances in which law enforcement agents reasonably believe that the plate data are relevant to an ongoing criminal investigation.

2. The City must not store data about innocent people for any lengthy period. Unless plate data has been flagged, retention periods should be measured in days or weeks, not months and certainly not years.

3. People should be able to find out if plate data of vehicles registered to them are contained in the City's database.

4. The Police Department or any other city department that uses automatic license plate readers should be required to report its usage publicly on at least an annual basis.

BE IT FURTHER RESOLVED, that the Common Council further requests that this policy be adopted within six months of the passage of this resolution.

Council Member Herring introduced RESOLUTION NUMBER 5.12.15R, which was referred to the Finance, Taxation and Assessment Committee.

RESOLUTION OF THE COMMON COUNCIL APPOINTING STEPHEN MCLAUGHLIN AS A MEMBER OF THE BOARD OF ASSESSMENT REVIEW

RESOLVED, that Stephen McLaughlin is hereby appointed as a member of the Board of Assessment Review for a term ending September 30, 2019.

BE IT FURTHER RESOLVED, that this resolution shall take effect immediately.

Council Member Herring asked for passage of RESOLUTION NUMBER 120.122.14R (MC) (RESOLUTION OF THE COMMON COUNCIL CONFIRMING THE APPOINTMENT OF G. MICHAEL APOSTOL AS A MEMBER OF THE BOARD OF ZONING APPEALS), which had been previously introduced.

The resolution passed by the following voice vote of all the Council Members elected voting in favor thereof:

Affirmative – Applyrs, Bailey, Commisso, Conti, Doesschate, Fahey, Flynn, Golby, Herring, Igoe, Kimbrough, Kornegay, Krasher and O'Brien

Affirmative 14 Negative 0 Abstain 0

Council Member Herring asked for passage of RESOLUTION NUMBER 121.122.14R (MC) (RESOLUTION OF THE COMMON COUNCIL CONFIRMING THE APPOINTMENT OF BRITTANY D. PEOPLES AS A MEMBER OF THE BOARD OF ZONING APPEALS), which had been previously introduced.

The resolution passed by the following voice vote of all the Council Members elected voting in favor thereof:

Affirmative –Bailey, Commisso, Conti, Doesschate, Fahey, Flynn, Golby, Herring, Igoe, Kimbrough,

Kornegay, Krasher and O'Brien

Abstain – Applyrs

Affirmative 13 Negative 0 Abstain 1

Council Member Herring asked for passage of RESOLUTION NUMBER 3.11.15R (MC) (RESOLUTION OF THE COMMON COUNCIL CONFIRMING THE APPOINTMENT OF COLLEEN M. RYAN AS A MEMBER OF THE HISTORIC RESOURCES COMMISSION), which had been previously introduced.

The resolution passed by the following voice vote of all the Council Members elected voting in favor thereof:

Affirmative – Applyrs, Bailey, Commisso, Conti, Doesschate, Fahey, Flynn, Golby, Herring, Igoe, Kimbrough, Kornegay, Krasher and O'Brien

Affirmative 14 Negative 0 Abstain 0

Resolution Number 3.11.15R (MC) was co-sponsored by Council Member Conti.

Council Member Krasher withdrew RESOLUTION NUMBER 99.101.14R (MC).

Council Member O'Brien asked for passage of RESOLUTION NUMBER 1.11.15R (RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AND ENTER INTO AN INTER-MUNICIPAL AGREEMENT AMONG THE MEMBERS OF THE ALBANY POOL COMMUNITIES, which had been previously introduced.

**Note: Council Member O'Brien spoke on this resolution prior to passage.*

The resolution passed by the following voice vote of all the Council Members elected voting in favor thereof:

Affirmative – Applyrs, Bailey, Commisso, Conti, Doesschate, Fahey, Flynn, Golby, Herring, Igoe, Kimbrough, Kornegay, Krasher and O'Brien

Affirmative 14 Negative 0 Abstain 0

Resolution Number 1.11.15R was co-sponsored by Council Member Krasher.

The remaining resolutions on the agenda were held at the request of President Pro Tempore Conti.

MISCELLANEOUS AND UNFINISHED BUSINESS

Majority Leader Herring offered the following, which was approved by unanimous voice vote:

RESOLVED THAT THE FOLLOWING PERSONS BE AND HEREBY ARE APPOINTED COMMISSIONERS OF DEEDS FOR THE CITY OF ALBANY, NEW YORK FOR THE TERM ENDING DECEMBER 31, 2016, AND WAIVE THE READING OF THE NAMES:

1. Judy Doesschate, Albany Common Council 380 New Scotland Ave Albany NY 12208.

2. Megan Higgett, Albany County Probation Department 60 South Pearl Street Albany, NY 12207
3. Meighan McGan, Albany County Probation Department 60 South Pearl Street Albany, NY 12207
4. Annescia Cole, Albany County Finance 112 State St, Room 800, Albany NY 12207
5. Anthony Ferrandino, Albany County Finance 112 State St, Room 800, Albany NY 12207
6. Yolonda Graham, Albany County Finance 112 State St, Room 800, Albany NY 12207
7. Tania Spadaro, Albany County Finance 112 State St, Room 800, Albany NY 12207
8. Susan Weremeichik, Albany County Finance 112 State St, Room 800, Albany NY 12207
9. Sandra Obiedo, South End Improvement Corporation, 38 Catherine Street, Albany NY 12202
10. Sabrina Ham, Albany Housing Authority, 200 South Pearl Street, Albany NY 12202
11. Hilarie Sicko, Albany Housing Authority, 200 South Pearl Street, Albany NY 12202
12. John Aidala, 16 Turf Lane, Loudonville, NY 12211 Business owner in Albany NY
13. Clifton Dixon, 68 Walter Street, Albany, NY 12204 Business owner in Albany NY Mail to: Clifton Dixon P.O. Box 9053, Albany NY 12209
14. Andrew L. Blackburn, 518 Washington Ave, Albany NY 12203 Business owner in Albany NY
15. Dennis Guiry, Albany County District Attorney's Office, 6 Lodge Street, Albany NY 12207
16. Kimberly McCoy, Albany County District Attorney's Office, 6 Lodge Street, Albany NY 12207
17. Eric W. Sprague, Albany County District Attorney's Office, 6 Lodge Street, Albany NY 12207
18. William Ward, Albany County District Attorney's Office, 6 Lodge Street, Albany NY 12207

ADJOURNMENT

Council President McLaughlin stated hearing no objections, that the Council was adjourned.

A true record of the Common Council Minutes of January 22, 2015.

CASHAWNA PARKER
SENIOR LEGISLATIVE AIDE TO THE
COMMON COUNCIL